

United States District Court
District of Rhode Island

UNITED STATES OF AMERICA
v.
ERIC SNEAD

Date of Original Judgment: JANUARY 29, 2010
(or Date of Last Amended Judgment)

**AMENDED JUDGMENT IN A CRIMINAL
CASE**

Case Number: 1:09CR00057-01ML

USM Number: 06138-070

David A. Cooper, Esq.

Defendant's Attorney

Reason for Amendment:

Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))
 Reduction of Sentence for Charged Circumstance (Fed. R. Crim. P. 35(b))
 Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))
 Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)
 Modification of Supervision Conditions (18 U.S.C. § 3563(c) or 3583(e))
 Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1))
 Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))
 Direct Motion to District Court Pursuant to:
 28 U.S.C. § 2255, 18 U.S.C. § 3559(c)(7)

Modification of Restitution Order (18 U.S.C. § 3664)

THE DEFENDANT:

pleaded guilty to count(s): I through XXXII of the Indictment.
 pleaded nolo contendere to count(s) ___ which was accepted by the court.
 was found guilty on count(s) ___ after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
----------------------------	--------------------------	-------------------------------	------------------------

See next page.

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) _____.
 Count(s) ___ [] is [] are dismissed on motion of the United States.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

January 29, 2010

Date of Imposition of Judgment

May 10, 2010

Date of Imposition as to Modification of Restitution

Mary M. Lis

Signature of Judicial Officer

MARY M. LISI
Chief U.S. District Judge

Name & Title of Judicial Officer

May 10, 2010
Date

CASE NUMBER: 1:09CR00057-01ML
DEFENDANT: ERIC SNEAD

Judgment - Page 2 of 7

COUNTS OF CONVICTION

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 U.S.C. § 371	Conspiracy to Commit Identity Theft and Credit Card Fraud	April 2, 2009	I
18 U.S.C. § 1029(a)(2); 18 U.S.C. § 2	Unauthorized Use of Access Device; Aiding and Abetting	November 26, 2008	II
18 U.S.C. § 1029(a)(2); 18 U.S.C. § 2	Unauthorized Use of Access Device; Aiding and Abetting	November 28, 2008	III
18 U.S.C. § 1029(a)(2); 18 U.S.C. § 2	Unauthorized Use of Access Device; Aiding and Abetting	November 27, 2008	IV
18 U.S.C. § 1029(a)(2); 18 U.S.C. § 2	Unauthorized Use of Access Device; Aiding and Abetting	December 7, 2008	V
18 U.S.C. § 1029(a)(2); 18 U.S.C. § 2	Unauthorized Use of Access Device; Aiding and Abetting	December 8, 2008	VI
18 U.S.C. § 1029(a)(2); 18 U.S.C. § 2	Unauthorized Use of Access Device; Aiding and Abetting	December 11, 2008	VII
18 U.S.C. § 1029(a)(2); 18 U.S.C. § 2	Unauthorized Use of Access Device; Aiding and Abetting	December 20, 2008	VIII
18 U.S.C. § 1029(a)(2); 18 U.S.C. § 2	Unauthorized Use of Access Device; Aiding and Abetting	January 20, 2009	IX
18 U.S.C. § 1029(a)(2); 18 U.S.C. § 2	Unauthorized Use of Access Device; Aiding and Abetting	January 28, 2009	X
18 U.S.C. § 1029(a)(2); 18 U.S.C. § 2	Unauthorized Use of Access Device; Aiding and Abetting	March 15, 2009	XI
18 U.S.C. § 1029(a)(2); 18 U.S.C. § 2	Unauthorized Use of Access Device; Aiding and Abetting	March 22, 2009	XII
18 U.S.C. § 1028(a)(1) and (b)(1)(A)(ii) and (B); 18 U.S.C. § 2	Unlawful Production of a Document or Authentication Feature; Aiding and Abetting	November 26, 2008	XIII
18 U.S.C. § 1028(a)(1) and (b)(1)(A)(ii) and (B); 18 U.S.C. § 2	Unlawful Production of a Document or Authentication Feature; Aiding and Abetting	December 2, 2008	XIV
18 U.S.C. § 1028(a)(1) and (b)(1)(A)(ii) and (B); 18 U.S.C. § 2	Unlawful Production of a Document or Authentication Feature; Aiding and Abetting	December 5, 2008	XV
18 U.S.C. § 1028(a)(1) and (b)(1)(A)(ii) and (B); 18 U.S.C. § 2	Unlawful Production of a Document or Authentication Feature; Aiding and Abetting	December 9, 2008	XVI
18 U.S.C. § 1028(a)(1) and (b)(1)(A)(ii) and (B); 18 U.S.C. § 2	Unlawful Production of a Document or Authentication Feature; Aiding and Abetting	December 18, 2008	XVII

CASE NUMBER: 1:09CR00057-01ML
 DEFENDANT: ERIC SNEAD

Judgment - Page 3 of 7

18 U.S.C. § 1028(a)(1) and (b)(1)(A)(ii) and (B); 18 U.S.C. § 2	Unlawful Production of a Document or Authentication Feature; Aiding and Abetting	February 13, 2009	XVIII
18 U.S.C. § 1028(a)(1) and (b)(1)(A)(ii) and (B); 18 U.S.C. § 2	Unlawful Production of a Document or Authentication Feature; Aiding and Abetting	March 20, 2009	XIX
18 U.S.C. § 1028(a)(1) and (b)(1)(A)(ii) and (B); 18 U.S.C. § 2	Unlawful Production of a Document or Authentication Feature; Aiding and Abetting	April 2, 2009	XX
18 U.S.C. § 1028(a)(1) and (b)(1)(A)(ii) and (B); 18 U.S.C. § 2	Unlawful Production of a Document or Authentication Feature; Aiding and Abetting	March 31, 2009	XXI
18 U.S.C. § 1028(a)(3) and (b)(1)(A)(ii) and (B)	Possession with Intent to Use or Transfer Five or More Documents	April 2, 2009	XXII
18 U.S.C. § 1028(a)(5) and (b)(1)(A)(ii) and (B)	Possession of a Document-Making Implement and Authentication Feature	April 2, 2009	XXIII
18 U.S.C. § 1028A(a)(1) and (c)(4); 18 U.S.C. § 2	Aggravated Identity Theft; Aiding and Abetting	January 28, 2009	XXIV
18 U.S.C. § 1028A(a)(1) and (c)(4); 18 U.S.C. § 2	Aggravated Identity Theft; Aiding and Abetting	December 20, 2008	XXV
18 U.S.C. § 1028A(a)(1) and (c)(4); 18 U.S.C. § 2	Aggravated Identity Theft; Aiding and Abetting;	January 20, 2009	XXVI
18 U.S.C. § 1028A(a)(1) and (c)(4); 18 U.S.C. § 2	Aggravated Identity Theft; Aiding and Abetting	January 28, 2009	XXVII
18 U.S.C. § 1028A(a)(1) and (c)(4); 18 U.S.C. § 2	Aggravated Identity Theft; Aiding and Abetting	March 15, 2009	XXVIII
18 U.S.C. § 1028A(a)(1) and (c)(4); 18 U.S.C. § 2	Aggravated Identity Theft; Aiding and Abetting	March 22, 2009	XXIX
18 U.S.C. § 1028A(a)(1) and (c)(4); 18 U.S.C. § 2	Aggravated Identity Theft; Aiding and Abetting	March 27, 2009	XXX
18 U.S.C. § 1028A(a)(1) and (c)(4); 18 U.S.C. § 2	Aggravated Identity Theft; Aiding and Abetting	April 2, 2009	XXXI
18 U.S.C. § 1028A(a)(1) and (c)(4); 18 U.S.C. § 2	Aggravated Identity Theft; Aiding and Abetting	April 2, 2009	XXXII

CASE NUMBER: 1:09CR00057-01ML
DEFENDANT: ERIC SNEAD

Judgment - Page 4 of 7

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 132 months:

108 months as to Counts II through XXIII, which terms shall be served concurrently with each other; and,
60 months as to Count I which term shall be served concurrently with the terms imposed as to Counts II through XXIII; and,
24 months as to Counts XXIV to XXXII, which terms shall be served concurrently with each other, and served consecutively to the terms imposed as to Counts II through XXIII.

[] The court makes the following recommendation to the Bureau of Prisons:

That this defendant be placed in a facility near Rhode Island in order to maintain contact with his family.

[] The defendant is remanded to the custody of the United States Marshal.

[] The defendant shall surrender to the United States Marshal for this district.

[] at ___ on ___.

[] as notified by the United States Marshal.

[] The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

[] before ___ on ___.

[] as notified by the United States Marshal.

[] as notified by the Probation or Pretrial Services Officer.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By

Deputy United States Marshal

CASE NUMBER: **1:09CR00057-01ML**
 DEFENDANT: **ERIC SNEAD**

Judgment - Page 5 of 7

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years as to Counts I through XXIII, and 1 year as to Counts XXIV through XXXII; all terms to be served concurrently with each other.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the Court.

The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable)

The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. (Check, if applicable)

The defendant shall cooperate with the collection of DNA as directed by the probation officer. (Check, if applicable)

The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable)

The defendant shall participate in an approved program for domestic violence. (Check, if applicable)

If this judgment imposes a fine or a restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow instructions of the probation officer;
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

FOR OFFICIAL USE ONLY - US PROBATION OFFICE

Upon a finding of a violation of probation or supervised release, I understand that the Court may (1) revoke supervision or (2) extend the term of supervision and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand them and have been provided a copy.

(Signed)

Defendant

Date

US Probation Officer/Designated Witness

Date

CASE NUMBER: 1:09CR00057-01ML

DEFENDANT: ERIC SNEAD

Judgment - Page 6 of 7

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$3,200.00	\$0.00	\$469,980.89*

- [] The determination of restitution is deferred until . An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- [] The defendant shall make restitution (including community restitution) to the following payees in the amount listed.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all non-federal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>*Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>
Bank of America P.O. Box 457 Crugers, NY 10521 Attn: Greg Tutelian, Fraud Investigator	\$350,916.55	\$350,916.55
Chase Card Services P.O. Box 399 Hicksville, NY 11802-9641 Attn: Diane Helm, Fraud Investigator	\$29,245.27	\$29,245.27
Citigroup Investigative Services, Fraud Investigations 14700 Citicorp Drive Building 2, First Floor Hagerstown, MD 21742	\$89,819.07	\$89,819.07
TOTALS:	\$469,980.89	<u>\$469,980.89</u>

- [] If applicable, restitution amount ordered pursuant to plea agreement. \$ _____

- [] The defendant shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. §3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. §3612(g).

- [✓] The court determined that the defendant does not have the ability to pay interest, and it is ordered that:**

[✓] the interest requirement is waived for the [] fine and/or [✓] restitution.

[] the interest requirement for the [] fine and/or [] restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994 but before April 23, 1996.

CASE NUMBER: 1:09CR00057-01ML
 DEFENDANT: ERIC SNEAD

Judgment - Page 7 of 7

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

A [✓] Payment of \$473,180.89 due immediately.

- not later than ___, or
- in accordance with C, D, E, or F below; or

B Payment to begin immediately (may be combined with C, D, or F below); or

C Payment in equal __ (e.g., weekly, monthly, quarterly) installments of \$__ over a period of __ (e.g., months or years), to commence __ (e.g., 30 or 60 days) after the date of this judgment; or

D Payment in equal __ (e.g., weekly, monthly, quarterly) installments of \$__ over a period of __ (e.g., months or years), to commence __ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

E Payment during the term of supervised release will commence within __ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

[✓] Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Joint and Several Amount:

Eric Snead:

1:09CR00057-01ML – \$469,980.89

Harry Gonzalez:

1:09CR00057-02ML – \$469,980.89

Norma Danzot:

1:09CR00057-03ML – \$469,980.89

Kenneth Muniz:

1:09CR00057-04ML – \$469,980.89

Dwayne Silva:

1:09CR00068-01ML – \$289,085.46

The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States: